

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 14 October 2003. Responsive to the rejections made by the Examiner in the Official Action, Claims 1-4 have now been amended to more clearly clarify the inventive concept of the Applicant. Prior to a discussion of the Examiner's objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application system in light of the inventive concept of the Applicant.

As shown in Fig. 1 of the subject Patent Application Drawings, the battery case 1 includes a battery tank 10 being defined by a first pair of sidewalls 16, which extend in the longitudinal direction, and a second pair of sidewalls 11 which extend in the lateral direction, with the first pair of sidewalls being positioned orthogonal to the second pair of sidewalls. A pair of clamping members 14 project orthogonally from the second pair of sidewalls 11 and each clamping member has at least one through hole 15 formed therethrough. A pair of wing portions 17 project orthogonally from the first pair of sidewalls and each wing portion has at least one through hole 15 formed therethrough. Fixing means, such as screws, are received by the through holes for affixing the stage to either the upper shell or lower shell of the portable electronic product.

The Examiner has rejected Claims 1 and 3 under 35 U.S.C. § 102(e) as being anticipated by the Ikeda Patent #6,240,637. It is the Examiner's contention that the Ikeda reference teaches all elements of Claims 1 and 3 as originally filed.

The Ikeda reference is directed to a connecting plate for a battery holder and a method of producing the same. As shown in Fig. 1, the system includes a battery holder B for housing a large number of batteries A. The battery holder B includes a rectangular frame-like main unit 4 and connecting plates 10 and 10' which are attached to the sides of the main unit, respectively. Plural bolts 9 for fixing the battery holder to the vehicle body are implanted in one sidewall 8 extending in the longitudinal direction. As further shown in Fig. 1, a pair of wing portions, with each wing portion having a through hole formed therethrough, extends from each of the longitudinal sidewalls 8. However, the wing portions only extend from the longitudinal sidewalls 8, with no further wing portions or other types of connecting members extending from the lateral walls.

As shown in Fig. 1 of the subject Patent Application Drawings, the subject Patent Application system includes both wing portions 17 extending from the longitudinal sidewalls 16, along with a pair of clamping members 14 extending from the lateral sidewalls 11. Thus, the system of the subject Patent Application includes connecting members projecting in both the lateral and longitudinal directions. Having both the wing portions 17 and the clamping members 14 allows for greater stability of the modularized battery case 1 and further makes the battery case 1 more versatile in that it can be mounted in a system which requires clamping in the longitudinal direction and/or the lateral direction.

Thus, the Ikeda does not provide for: "...a pair of clamping members, each said clamping member projecting orthogonally from a respective one of said second pair of sidewalls...a pair of wing portions, each said wing portion projecting orthogonally from a respective one of said first pair of sidewalls...", as is clearly provided by newly-amended Independent Claim 1.

Thus, based upon the newly-amended Independent Claim 1, it is not believed that the subject Application is anticipated by, or is made obvious by, the Ikeda reference when Independent Claim 1 is carefully reviewed.

The Examiner has additionally rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over the Pavlov Patent #6,509,118 in view of the Ikeda reference. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the security means of Ikeda in the battery of Pavlov in order to firmly secure the battery case in position.

The Pavlov reference is directed to valve-regulated lead-acid cells and batteries and separators used in such cells and batteries. The Pavlov reference is directed to the structure of a battery or single cell and is not directed to a modularized battery case. This reference does not include any sort of case structure, nor does it include any sort of fixing means for attaching a battery case to a portable electronic product.

As noted above, the Ikeda reference includes a pair of wing portions projecting from the longitudinal walls 8, but does not include any further form of connecting means projecting from the lateral walls of the modularized battery case.

The system of the subject Patent Application, however, as shown in Fig. 1 of the subject Patent Application Drawings, includes a pair of clamping members 14 projecting orthogonally from the sidewalls 11 and also includes a pair of wing portions 17 projecting orthogonally from the longitudinal sidewalls 16. Thus, greater stability in mounting is achieved, by being able to affix the battery case in both the lateral and longitudinal directions, and also greater versatility is achieved in that the modularized battery case of the subject Patent Application may be mounted to a system where the case is required to be mounted only in the longitudinal and/or lateral directions.

Thus, neither the Ikeda reference nor the Pavlov reference, when taken alone or in combination, provide for: "...a pair of clamping members, each said clamping member projecting orthogonally from a respective one of said second pair of sidewalls...a pair of wing portions, each said wing portion projecting orthogonally from a respective one of said first pair of sidewalls...", as is clearly provided by newly-amended Independent Claim 1.

Thus, based upon the newly-amended Independent Claim 1, it is not believed that the subject Application is made obvious by either the Ikeda reference or the Pavlov

reference, when taken alone or in combination, when Independent Claim 1 is carefully reviewed.

Additionally, the Examiner has rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the Ikeda reference in view of the Meggiolan Patent Application Publication #2002/0094474. It is the Examiner's contention that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the rings of Meggiolan in the screw holes of Ikeda, in order to firmly hold the screws in place.

The Meggiolan reference is directed to an integrated control and power unit for use aboard a bicycle. As shown in Figs. 1 and 2, the system comprises a housing 2 containing one or more electronic circuitboards forming the electronic control unit as well as a cylindrical container 3 holding one or more batteries for powering the various electrical devices aboard the bicycle. The battery holder 3 comprises a lower end portion 10 which is received in an annular cylindrical seat 6, forming an integral part of the body of the housing 2. Neither the container 3 nor the cylindrical seat 6 comprise a battery stage being defined by a first pair of sidewalls or a second pair of sidewalls. Further, the system does not include projecting wings or other connecting members projecting orthogonally from a pair of sidewalls.

As shown above, the Ikeda reference includes connecting wing members projecting orthogonally from the longitudinal walls 8, however, the reference does not

show any sort of connecting members projecting from the lateral sidewalls of the battery case.

The system of the subject Patent Application, as shown in Fig. 1 of the subject Patent Application Drawings, includes a pair of clamping members 14 projecting orthogonally from the lateral sidewalls 11 and a pair of flat wing portions 17 projecting orthogonally from the longitudinal sidewalls 16. This not only provides greater stability in the mounting of the battery case 1, but also allows greater versatility in that the battery case 1 can be mounted in a device allowing for mounting in only one of the lateral or longitudinal directions.

Thus, neither the Ikeda reference nor the Meggiolan reference, when taken alone or in combination, provide for: "...a pair of clamping members, each said clamping member projecting orthogonally from a respective one of said second pair of sidewalls...a pair of wing portions, each said wing portion projecting orthogonally from a respective one of said first pair of sidewalls...", as is clearly provided in newly-amended Independent Claim 1.

Thus, based upon the newly-amended Independent Claim 1, it is not believed that the subject Application is made obvious in view of either the Ikeda reference or the Meggiolan reference, when taken alone or in combination, when Independent Claim 1 is carefully reviewed.

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Responsive to Official Action dated 14 October 2003

It is now believed that the remaining Claims 2-4 show patentable distinction over the prior art cited by the Examiner for at least the same reasons as those previously discussed for Independent Claim 1.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Morton J. Rosenberg", written in a cursive style.

Morton J. Rosenberg
Registration #26,049

Dated: 1/13/04

Rosenberg, Klein & Lee
3458 Ellicott Center Drive
Suite 101
Ellicott City, MD 21043
410-465-6678